



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,675	12/28/2000	Cao Thanh Phan	Q62440	8686

7590 02/09/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W., Suite 800  
Washington, DC 20037-3213

EXAMINER
----------

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
----------	--------------

2665

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/749,675

Applicant(s)

PHAN ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansour et al. (US Patent 5,058,105) in view of Hamami (US Patent 5,959,972).

In regarding to claim 1, Mansour teaches communications options within a private communications network (Column 9 Line 46 – Column 10 Line 1) comprising a plurality of private exchange nodes, each of the nodes being capable of communicating with all other nodes in normal operation via two-way communications trunks interconnecting some of the nodes in pairs, the method comprising: detecting faulty operation that leads to the network becoming split (Column 3 Line 51–53); and implementing emergency means which provide at least one dynamic access for ensuring that all of the nodes of the network can again communicate with all of the other nodes, thereby maintaining a set of services proposed by the network in normal operation (Column 3 Line 11–14); and transmitting calls through the network using routing that is static and predetermined once the emergency means have been implemented (Column 4 Line 64–68). Mansour, however, does not teach detecting faulty operation that leads to

the network becoming split into at least two network portions which can no longer communicate with each other via any of the trunks of the private communications network. Hamami teaches detecting faulty operation that leads to the network becoming split into at least two network portions which can no longer communicate with each other via any of the trunks of the private communications network (see Figure 2, Column 2 Line 58-59). It would have been obvious to one skilled in the art to modify Mansour to detect faulty operation that leads to the network becoming split into at least two network portions which can no longer communicate with each other via any of the trunks of the private communications network as taught by Hamami in order to avoid data loss.

In regarding to claim 2, Mansour teaches defining a set of network nodes from which the dynamic accesses are available prior to any faulty operation giving rise to the network being split (Figure 1).

In regarding to claim 3, Mansour teaches the dynamic access implemented only to satisfy a call request between two nodes that can no longer be connected together once the network has split (Column 3 Line 65 – Column 4 Line 8).

In regarding to claim 4, Mansour teaches the static routing defining a single access path between a sending node and a destination node, the single access path

being stored in the sending node and in the destination node (Column 8 Line 9–23).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansour et al. in view of Hamami and further in view of Nakata (US Patent 6,452,934).

In regarding to claim 5, Mansour teaches communications options within a private communications network (Column 9 Line 46 – Column 10 Line 1) comprising a plurality of private exchange nodes, each of the nodes being capable of communicating with all other nodes in normal operation via two-way communications trunks interconnecting some of the nodes in pairs, the method comprising: detecting faulty operation that leads to the network becoming split (Column 3 Line 51–53); and implementing emergency means which provide at least one dynamic access for ensuring that all of the nodes of the network can again communicate with all of the other nodes, thereby maintaining a set of services proposed by the network in normal operation (Column 3 Line 11–14); and transmitting calls through the network using routing that is static and predetermined once the emergency means have been implemented (Column 4 Line 64–68). Mansour, however, does not teach detecting faulty operation that leads to the network becoming split into at least two network portions which can no longer

communicate with each other via any of the trunks of the private communications network. Hamami teaches detecting faulty operation that leads to the network becoming split into at least two network portions which can no longer communicate with each other via any of the trunks of the private communications network (see Figure 2, Column 2 Line 58-59). It would have been obvious to one skilled in the art to modify Mansour to detect faulty operation that leads to the network becoming split into at least two network portions which can no longer communicate with each other via any of the trunks of the private communications network as taught by Hamami in order to avoid data loss. Mansour in view of Hamami, however, does not teach releasing the dynamic accesses as soon as the faulty operation that caused the network to split has ceased and the last call supported by the dynamic accesses has finished. Nakata teaches releasing the dynamic accesses as soon as the faulty operation that cause the network to split has ceased and the last call supported by the dynamic accesses has finished (Column 6 Line 31-36). It would have been obvious to one skilled in the art to modify Mansour in view of Hamami to release dynamic accesses when the needs are gone as taught by Nakata in order to save network resources.

4. Claim 6–8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansour et al. in view of Hamami and further in view of Ko et al. (US Patent 5,479,407).

In regarding to claim 6, Mansour teaches communications options within a private communications network (Column 9 Line 46 – Column 10 Line 1) comprising a plurality of private exchange nodes, each of the nodes being capable of communicating with all other nodes in normal operation via two-way communications trunks interconnecting some of the nodes in pairs, the method comprising: detecting faulty operation that leads to the network becoming split (Column 3 Line 51–53); and implementing emergency means which provide at least one dynamic access for ensuring that all of the nodes of the network can again communicate with all of the other nodes, thereby maintaining a set of services proposed by the network in normal operation (Column 3 Line 11–14); and transmitting calls through the network using routing that is static and predetermined once the emergency means have been implemented (Column 4 Line 64–68). Mansour, however, does not teach detecting faulty operation that leads to the network becoming split into at least two network portions which can no longer communicate with each other via any of the trunks of the private communications network. Hamami teaches detecting faulty operation that leads to the network

becoming split into at least two network portions which can no longer communicate with each other via any of the trunks of the private communications network (see Figure 2, Column 2 Line 58-59). It would have been obvious to one skilled in the art to modify Mansour to detect faulty operation that leads to the network becoming split into at least two network portions which can no longer communicate with each other via any of the trunks of the private communications network as taught by Hamami in order to avoid data loss. Mansour in view of Hamami, however, does not teach the emergency means comprising modems disposed at the nodes defined prior to any faulty operation and from which dynamic access is available. Ko teaches the emergency means comprising modems disposed at the nodes defined prior to any faulty operation and from which dynamic accesses are available (Column 9 Line 1–6). It would have been obvious to one skilled in the art to modify Mansour in view of Hamami to use modems as taught by Ko in order to reduce costs.

In regarding to claim 7, Ko teaches the emergency means utilizes Ethernet links (Column 2 Line 50–61).

In regarding to claim 8, Ko teaches the emergency means utilizes a B channel on an access of a communications circuit (Column 1 Line 26–41).



*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 6,356,622 to Hassell et al.

U.S. Patent 5,715,237 to Akiyoshi

U.S. Patent 5,737,316 to Lee

U.S. Patent 6,826,146 to Blenis et al.

U.S. Pub. 2003/0107987 to Kinstler

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will


be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
STEVEN NGUYEN  
PRIMARY EXAMINER

  
Clemence Han